

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KHARI MOSLEY, and  
CHELSA WAGNER

Plaintiffs,

v.

Civil Case No. 21-10470  
Honorable Linda V. Parker

MARRIOTT INTERNATIONAL  
INC., et al.,

Defendants.

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**OPINION AND ORDER GRANTING PLAINTIFF'S ORAL MOTION TO  
AMEND COMPLAINT AND FOR NEW SUMMONS**

This lawsuit arises from an incident at the Westin Book Cadillac Hotel in the City of Detroit on March 5 and 6, 2019. On March 1, 2021, Plaintiffs filed this lawsuit alleging violations of their civil rights, racial discrimination, and several state law claims. (ECF No. 1.) On June 4, 2021, Plaintiffs filed an Amended Complaint. (ECF No. 18.) The Court held a status conference with the parties on February 11, 2022. At the conference, Plaintiffs' counsel made an oral motion to amend the complaint. Defendants do not oppose Plaintiffs' amendment to the extent that it adds Starwood Hotels & Resorts Worldwide, LLC as a party.

Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend should be "freely" granted "when justice so requires." *See* Fed. R. Civ. P.

15(a). The United States Supreme Court has advised that a plaintiff should be allowed the opportunity to test a claim on the merits if the facts and circumstances underlying the claim suggest that it may be a proper subject of relief. *Foman v. Davis*, 371 U.S. 178, 182 (1962). However, the Court further instructed that a motion to amend a complaint should be denied if the amendment is brought in bad faith or for dilatory purposes, results in undue delay or prejudice to the opposing party, or would be futile. *Id.* The Court does not find that the amendment is brought in bad faith or for a dilatory purpose or results in undue delay based on the parties' oral representation. Neither would the amendment be futile.<sup>1</sup> As such, the Court finds good cause and grants Plaintiffs' motion.

Accordingly,

**IT IS ORDERED** that Plaintiffs' oral motion to amend is **GRANTED**, and Plaintiffs shall file an Amended Complaint **within twenty-one (21) days** of this Opinion and Order.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
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LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: February 11, 2022

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<sup>1</sup> Plaintiffs and Defendants assert that Starwood Hotels & Resorts Worldwide, LLC may be an employer of some of the named Defendants or witnesses of the March 5 and 6, 2019 incident.